

Salisbury, North Carolina
September 16, 2008

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Paul B. Woodson, Jr., Councilmen William (Bill) Burgin, William (Pete) Kennedy, and Mark N. Lewis; City Manager David W. Treme; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

ABSENT: None

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Councilman Lewis.

PLEDGE OF ALLEGIANCE

Mayor Kluttz asked those present to remember the local men and women serving overseas in the Army 991st Transportation Unit and the Army 846th Transportation Unit as she led the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

RECOGNITION – FACILITIES MAINTENANCE MANAGER DEBORAH YOUNG FOR EARNING THE DESIGNATION OF CERTIFIED ENERGY MANAGER.

Mr. John Sofley, Management Services Director, stated that North Carolina Senate Bill 668 requires all North Carolina agencies to reduce their energy consumption

20% by 2010 and 30% by 2015. He explained that even though the bill does not apply to local governments, the City wants to pursue these standards. He noted that in response to the bill, the North Carolina State Energy office, in cooperation with North Carolina State University, offered an energy management program to State and local government employees. He added that there were 14 sessions dealing with detailed information to assist the City in conserving energy.

Mr. Sofley noted that Ms. Deb Young, Facilities Manager, attended the sessions and passed a Certified Energy Manager examination. He indicated that the City has several initiatives in place to make its buildings more energy efficient.

Mayor Kluttz congratulated Ms. Young and expressed Council's pride in her accomplishment. She added that this is an added bonus for the City because it will both help the environment and save the City energy costs.

Ms. Young thanked City staff and City Council for supporting these efforts. She stated that she is excited about future opportunities.

PROCLAMATION

Mayor Kluttz proclaimed the following observances:

CONSTITUTION WEEK	September 17-23, 2008
NATIONAL ADULT DAY SERVICES WEEK	September 21-27, 2008

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of September 2, 2008.

(b) Temporary Street Closing – Oak Road

Close a portion of Oak Road beginning at 19 Oak Road and extending to the dead end of the street Sunday, September 21, 2008 from 5:00 p.m. until 8:00 p.m. for a neighborhood party.

(c) Temporary Street Closing – West Fisher Street

Close a portion of the 200 block of West Fisher Street (from Fisher and Church Street to just east of the Wrenn House Parking Lot) Saturday, October 11, 2008 from 9:00 a.m. until 11:00 p.m. for the Rowan Blues and Jazz Society.

(d) Temporary Street Closing – West Bank Street

Close the 300 block of West Bank Street from 6:00 a.m. Saturday, October 11, 2008 until 7:30 p.m. Sunday, October 12, 2008 for Historic Salisbury Foundation's 2008 October Tour.

Thereupon, Mr. Woodson made a **motion** to adopt the Consent Agenda. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

ZONING MAP AMENDMENT – CD-4-05-2008 ROWAN COUNTY, 1811 EAST INNES STREET

Councilman Burgin requested that he be excused from this item due to a conflict of interest.

Thereupon, Mr. Kennedy made a **motion** to excuse Councilman Burgin from the discussion. Mr. Woodson seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

(a) Mr. Preston Mitchell, Senior Planner, stated that the petition before Council is for a Conditional District for the Rowan County Health Department located at 1811 East Innes Street. He explained that the County is proposing to expand the current facility in order to combine the Health Department with the Department of Social Services. Mr. Mitchell then reviewed Conditional District Overlays:

- Codes related to Conditional Districts are found in Section 2.6 and 15.21 of the Land Development Ordinance
- Petitioner is required to be the owner of the property
- Content of Petition includes
 - Rezoning petition to place overlay on the property or change the base zoning
 - Master plan married with the Conditional District Overlay
- Fair and reasonable conditions can be recommended by Planning Board and imposed by City Council as part of the ordinance
- Changes can be made to Conditional Districts over time
- Can be rescinded depending on certain criteria

Mr. Mitchell reviewed aerial photographs and noted the property's location between Faith Road and East Innes Street. He reviewed the zoning for the area indicating that it consists of Corridor Mixed Use (CMX) and General Residential (GR) or Urban Residential (UR). Mr. Mitchell stated that the petition will not change the base zoning but will apply an overlay on this particular property.

Mr. Mitchell indicated that the proposal is to add a 27,000 square foot addition to the existing Health Department facility with additional parking adjacent to East Innes Street. He displayed ground photographs of the site and surrounding properties, and indicated that sidewalks will be extended on the property along Faith Road.

Mr. Mitchell reviewed Alternative Designs available for Conditional Districts:

- Industrial Standards of Chapter 2
- Building Orientation to Street/Recreational Open Space
- Building Materials
- Building Design Standards
- Building Dimensional Standards
- Street Cross Sections
- Street Connectivity & Stub Standards
- Parking
- Private Lighting

Mr. Mitchell noted that the petition seeks alternative methods of design for building orientation and explained that under the new Land Development Ordinance the building is nonconforming because it does not face the street. He stated that they also seek alternative designs for the building design standards and for parking to allow for stub connection to adjacent properties.

Mr. Mitchell reviewed the concerns raised at the August 12, 2008 Planning Board meeting and how they were addressed:

- Dumpster location pending variance through the Zoning Board of Adjustment (ZBA)
 - Proposed dumpster location was granted a variance at the ZBA meeting on August 18, 2008
- Alternate methods of compliance required for perimeter landscape of the yards
 - Per staff email of August 18, 2008, petitioner chose to keep CMX base district which removed the need for Alternative Methods of Compliance and the landscaping now meets the Land Development Ordinance
- North Carolina Department of Transportation (NCDOT) deceleration lane on East Innes Street
 - Per NCDOT email, deceleration lane not required. NCDOT requiring a 30 foot radius on right-turn side of East Innes Street driveway entrance

Mr. Mitchell explained that the Conditional District (CD) Ordinance will be the guiding development document for the site and added that the Ordinance runs with the land and not the property owner. Mr. Mitchell informed Council that the Planning Board unanimously recommended unconditional approval.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on proposed zoning map amendment CD-4-05-2008.

There being no one present to speak, Mayor Kluttz closed the public hearing.

(c) Mayor Pro Tem Woodson stated that the City Council hereby finds and determines that adoption of an additional ordinance to rezone the property as described herein to establish a Conditional District Overlay over CMX base district is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the ordinance is reasonable and in the public interest. Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately 7.2 acres, identified as Tax Map and Parcel 070-096A, to establish a Conditional District Overlay over Corridor Mixed Use (CMX) Base District to permit the construction of a 27,056 square foot addition to the Rowan County Health Department building for the Department of Social Services; identifying the development documents; providing an effective date; and for other purposes. Mr. Kennedy seconded the motion. Councilman Lewis stated that he attended the Technical Review Committee meeting regarding this proposal and he feels it will be a welcome addition. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 7.2 ACRES, IDENTIFIED AS TAX MAP & PARCEL 070-096A, TO ESTABLISH A CONDITIONAL DISTRICT OVERLAY OVER CMX (CORRIDOR MIXED-USE) BASE DISTRICT TO PERMIT THE CONSTRUCTION OF A 27,056 SQUARE FOOT ADDITION TO THE ROWAN COUNTY HEALTH DEPARTMENT BUILDING FOR THE DEPARTMENT OF SOCIAL SERVICES; IDENTIFYING THE DEVELOPMENT DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 117-119, and is known as Ordinance No. 2008-47.)

ORDINANCE – PUBLIC STREET FESTIVALS AND SPECIAL EVENTS IN DOWNTOWN SALISBURY

(a) Mr. Joe Morris, Planning and Community Development Manager, stated that on September 2, 2008 the Public Street Festival and Special Event Ordinance was introduced to Council. He reviewed the proposed text amendments to the City Code to allow Street Festivals and Special Events:

- Article V, Section 22 of the Salisbury Code of Ordinances
- Limited to the Municipal Service District

- Creates 2 distinct activities
 - Public Street Festivals
 - Special Events
- Managed based on Alcoholic Beverage Commission (ABC) laws and how service is provided
- Training is required for volunteers serving alcohol as part of a Public Street Festival.
- Policy is established by City Council and is implemented by the Chief of Police or his designee.

Mr. Morris also noted:

- Public Street Festivals are community based, i.e. Downtown Salisbury Inc. Nights On the Town, Art on Easy Street, Pops at the Post, Rowan Blues and Jazz Festival, etc.
- Special Events are business driven, promotional events involving for-profit operations, i.e., St. Patrick's Day Pub Crawl, Super Bowl Sunday on Fisher Street, Final Four Street Party, etc.
- Proposed Ordinance has been endorsed by the Downtown Salisbury Inc. Board of Directors

Mr. Morris indicated that there could be a potential change regarding the definition of Malt Beverage. He noted that the current Ordinance states that a malt beverage is beer, lager, malt liquor, ale, porter, or any other brewed or fermented beverage containing at least .5% and not more than 6% alcohol by volume. He indicated that the Ordinance will be modified to state that a malt beverage is beer, lager, malt liquor, ale, porter, or any other brewed or fermented beverage containing at least .5% and not more than 15% alcohol by volume. He stated that the change would make the Ordinance consistent with the North Carolina General Statutes (NCGS).

Mr. Kennedy cited page 3, Section 22-152 of the proposed Ordinance pertaining to the sale of alcoholic beverages permitted at Public Street Festivals. He noted that it states that the contents of beer bottles, cans, wine, and any other unopened container shall be poured into an appropriate plastic cup. He then cited page 4, number 1 that stated all malt beverages or fortified wine must be sold in and consumed from its original container. Mr. Morris explained that those sections are a reflection of the ABC laws. He explained that during non-profit events, the beverages must be put into plastic cups and during special events where private business owners will be selling alcoholic beverages, the alcoholic beverage must be left in its original container.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on a proposed Ordinance regarding Public Street Festivals and Special Events.

Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. 314 Mitchell Avenue, stated that he is in support of the Ordinance. He stated that Mr. Morris has worked closely with Downtown Salisbury Inc. (DSI) on its development and the DSI

board voted to support the Ordinance. He stated that they feel it is part of a logical progression to make the downtown friendlier for street festivals and after hour events. He concluded by asking Council to support the Ordinance.

There being no one else present to address Council, Mayor Kluttz closed the public hearing.

Mayor Kluttz stated that because of the strong support from Downtown Salisbury Inc. she feels like this is needed in order for Salisbury to expand events and become more successful. She added that as a member of the Cultural Action Plan Task Force, she has heard members of the Task Force express enthusiastic support for these events.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Chapter 22, Streets and Sidewalks, of the Salisbury City Code of the City of Salisbury, North Carolina to allow for Public Street Festivals and Special Events within the Municipal Services District by establishing definitions, permit requirements, and remedies for violations. Mr. Woodson seconded the motion. Mr. Lewis offered an amendment to page 1 to read not more than 15%. Mr. Kennedy accepted Mr. Lewis' amendment. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING CHAPTER 22, STREETS AND SIDEWALKS, OF THE SALISBURY CITY CODE OF THE CITY OF SALISBURY, NORTH CAROLINA TO ALLOW FOR PUBLIC STREET FESTIVALS AND SPECIAL EVENTS WITHIN THE MUNICIPAL SERVICES DISTRICT BY ESTABLISHING DEFINITIONS, PERMIT REQUIREMENTS, AND REMEDIES FOR VIOLATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 120-123, and is known as Ordinance No. 2008-48.)

2007-2008 CONSOLIDATED ANNUAL PLANNING AND EVALUATION REPORT (CAPER)

(a) Ms. Janet Gapen, Senior Planner, stated that the Consolidated Annual Planning and Evaluation Report (CAPER) is prepared for the United States Department of Housing and Urban Development (HUD) to report on Community Development Block Grant (CDBG) funds and HOME program funds. She reviewed the funds that were received for fiscal year 2007-2008:

• Community Development Block Grants (CDBG)	\$ 327,526.00
• HOME Program	123,890.00
• Program Income (resulting from the sale of property)	<u>82,374.19</u>
Total	<u>533,790.19</u>

Ms. Gapen stated that these funds must be used to benefit low to moderate income households and to revitalize neighborhoods. She indicated that there are four main focus areas in the City:

- Westend
- Park Avenue
- Jersey City
- Eastend

She then reviewed CDBG and HOME activities:

- Six property acquisitions
- Four dilapidated structures cleared
- One rehabilitation for resale; another underway
- One owner-occupied rehabilitation
- Two emergency rehabilitations
- One contract for new construction
- One new park shelter
- One application for State Historic Preservation Office (SHPO) tax credits
- Five public service activities funded

Ms. Gapen explained how the CDBG and HOME activities were distributed among selected neighborhoods:

<u>Project Type</u>	<u>West End</u>	<u>Park Avenue</u>	<u>East End</u>	<u>Jersey City</u>	<u>Other Areas</u>
Owner-Occupied Rehab					1
Emergency Rehab					2
Rehab Projects for Resale		1		1	
Property Acquisition	2	2		2	
Property Development	1	1	1	2	
New Construction	1				
Non-Housing Improvements				1	
Total	4	4	1	6	3

Ms. Gapen reviewed the progress made toward One-Year goals:

Activities	FY 2007-2008 Accomplishments	One-Year Goal
Acquisition / Rehab / New Construction	9	4
Owner-occupied Rehab	1	5
Emergency Rehab	2	6
Homeownership Assistance	0	4
Sidewalk Projects	0	1
Non-housing Neighborhood Improvements	1	1

Ms. Gapen noted the program's three year accomplishments in relation to the five year goal:

<u>Activities</u>	<u>FY 2005- 2006</u>	<u>FY 2006- 2007</u>	<u>FY 2007- 2008</u>	<u>Cumulative Accomplishments</u>	<u>Five- Year Goal</u>
Acquisition / Rehab / New Construction	4	13	9	26	20
Owner-occupied Rehab	4	--	1	5	25
Emergency Rehab	3	4	2	9	30
Homeownership Assistance	3	3	0	6	20
Sidewalk Projects	1	1	0	2	5
Non-housing Neighborhood Improvements	--	1	1	2	5

Ms. Gapen then reviewed the funded public service activities and the number of citizens that benefited from the funding:

Recipients of CDBG-Funded Public Service Activities

<u>Agency</u>	<u>Total Number Benefiting from Activity</u>
Rowan Helping Ministries	203
Family Crisis Council	217
Community Care Clinic	624
Youth Employment Program	6
West End Community Garden	459
Total	1,509

Ms. Gapen stated that the Salisbury Community Development Corporation (CDC) has focused on foreclosure prevention. She indicated that the CDC received \$184,985 from the National Foreclosure Mitigation Program and these funds were used to add an additional Credit Counselor. Ms. Gapen also reviewed other funds that the CDC has received through direct funding and volunteering:

<u>Source</u>	<u>Description</u>	<u>Total</u>
Rowan County United Way	Mortgage assistance for laid-off workers	\$135,000
NC Housing Finance Agency	Foreclosure prevention – 0% loans	\$180,888
NC Housing Finance Agency	Credit counseling	\$24,000
Credit Counselors	Counseling services	\$4,800
Guest Speakers	Homeownership classes	\$1,000
	Total	\$345,688

In conclusion, Ms. Gapen reviewed the number of households and individuals that were assisted through all Community Development activities:

<u>Activity</u>	<u>Number Assisted</u>
Housing Activities	3
Public Service Funding	1,509
Homebuyer Education Program	39
Home Maintenance Program	21
Foreclosure Prevention – Direct Assistance	202
Foreclosure Prevention – Budget and Credit Counseling	1,337
Other (neighborhood meetings, presentations to civic groups, etc.)	182
Total	3,293

Mayor Kluttz thanked Ms. Gapen for the work she has done with this report.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the 2007-2008 Consolidated Annual Planning and Evaluation Report

There being no one present to address Council, Mayor Kluttz closed the public hearing. No action was required from Council.

GRANT APPLICATION – SALISBURY COMMUNITY FOUNDATION FOR AN OUTDOOR ADVENTURE CAMP AT SALISBURY COMMUNITY PARK

Ms. Gail Elder White, Parks and Recreation Director, stated that Mr. Jeff Holshouser, Program Manager, has been working with Mr. Rodney Harrison, Transit Manager, to address additional programs at Community Park. They have proposed an outdoor adventure camp and are seeking funds from the Salisbury Community Foundation in order to implement the program. She explained that the program is an eight week outdoor adventure education program and transportation will be provided from each recreation center. She indicated that the program will be partnered with the Landtrust of North Carolina, Rowan County Cooperative Extension, and Rowan County Parks and Recreation.

Ms. White noted that September 24-30, 2008 is Take a Child Outside Week and she encouraged everyone to participate by taking children outside and into the environment.

Ms. White concluded by requesting that Council authorize the Mayor and City Manager to sign the grant application for the proposed program.

Mayor Pro Tem Woodson stated that he feels this is a great program and will get children into the parks.

Mayor Kluttz stated she is very excited about the program because recreation has been identified for gang prevention and also because this will address transportation issues for Community Park. She noted that this program offers transportation, supervision and possibly summer employment for teens.

Thereupon, Mr. Burgin made a **motion** to authorize the Mayor and City Manager to sign a grant application to the Salisbury Community Foundation for an Outdoor Adventure Camp at Salisbury Community Park. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

CONTRACT – IN THE AMOUNT OF \$137,400 TO PURCHASE SIX POLICE VEHICLES

Mr. Dewey Peck, Purchasing Manager, reported to Council that he has received three bids for Police Department replacement vehicles. He stated that Cloninger Ford was the low bidder at \$22,900 each for a total of \$137,400. Mr. Peck requested that Council approve the purchase of the Police vehicles from Cloninger Ford.

Thereupon, Mr. Burgin made a **motion** to award a contract in the amount of \$137,400 to Cloninger Ford for the purchase of six Ford Interceptor Police vehicles. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

LICENSE AGREEMENT – NORTH CAROLINA RAILROAD FOR SALISBURY DEPOT

Mr. Dan Mikkelsen, Land Management and Development Director, indicated that an update was given to Council at its last meeting regarding the Salisbury Depot Improvement Project. He noted that a license agreement has been received that will allow for the placement of improvements on North Carolina Railroad (NCRR) property. He pointed out that the agreement is restrictive and NCRR can give a 30 day notice to remove improvements. Mr. Mikkelsen commented that the North Carolina Department of Transportation, (NCDOT) who is also a party to the agreement and will provide 90% of the funding for the project, has indicated that this agreement is typical of others they have entered into in the State. He recommended that Council authorize signing the agreement.

Mr. Mikkelsen also distributed copies of a Memorandum of Understanding with Historic Salisbury Foundation to allow for the connection of a canopy on their property. He stated that the Agreement also states that the City will provide for permanent maintenance of the improvements.

Thereupon, Mr. Kennedy made a **motion** to authorize the Mayor to execute a License agreement with North Carolina Railroad Company, the North Carolina Department of Transportation, and Norfolk Southern Railway Company to allow

installation of a trackside platform and canopies at the Salisbury Depot. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Thereupon, Mr. Kennedy made a **motion** to authorize the Mayor to execute a Memorandum of Agreement with the Historic Salisbury Foundation to allow for the installation of a connecting canopy at the Salisbury Depot. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

STAFF REPORT REGARDING BRIDGE INSPECTIONS

Ms. Wendy Brindle, Traffic Engineer updated Council regarding bridge inspections in the City. She indicated that Federal regulations require bridges to be inspected every two years by a qualified structural engineer. She stated that the City is responsible for maintenance of six bridges:

- Henderson Street –pedestrian bridge
- Ellis Street
- Fisher Street
- Bank Street
- Ryan Street
- Arlington Street

Ms. Brindle stated that 2008 was the year for inspections and the North Carolina Department Of Transportation (NCDOT) hired HDR Engineering to perform the inspections of the City's bridges. The firm found several areas that require prompt action notices and immediate repair. She noted that the repairs varied from simple sign postings to leakage and corrosion problems. She stated that a number of prompt action notices were repaired by the City and others must be addressed by a consultant and contractor:

Fisher Street Bridge

- Clean and paint structural steel

Bank Street Bridge

- Repair bottom flange and bearing areas at beams and end bents with corruptions and section loss

Ellis Street Bridge

- Replace timber cross brace

Fisher Street Bridge

- Clean and paint structural steel

Ms. Brindle reviewed the cost for the Consultant/Contractor:

Professional Services Design Fee - \$25,000

- Engineering design and technical specifications for structural repair plans for East Bank Street Bridge
- Creation of technical specifications for repair and painting associated with East Fisher Street Bridge
- Provisions for replacement of timber cross brace at Ellis Street Bridge

Ms. Brindle explained that cost estimates were given for the different options available to the City:

- Option A – Prompt Action Notice items only (\$120,000)
- Option B – Prompt Action Notice items *plus* additional repairs to address items to prevent future notices (\$350,000)
- Option C – Fisher Street Bridge repair and painting (\$110,000)

Ms. Brindle indicated that the repairs can be bid using the options in different phases, but that option A must be completed. She stated that once the plans are received from the consultant the work can be bid. She added that once bids are received, she will return to Council for recommendations on how to proceed.

Mr. David Treme, City Manager stated that \$25,000 for the professional services design will come from the existing budget. He indicated that this item is not a budgeted expenditure and will be managed from existing funds or fund balance. He noted that he feels that at this point the City has to proceed in order to determine costs.

By consensus, Council agreed for staff to proceed to determine costs.

STAFF REPORT – TEXTURED CROSSWALK INSTALLATION

Ms. Lynn Raker, Urban Design Planner, reminded Council that a little over a year ago the City received an offer from a stamped asphalt vendor to demonstrate a cross walk on a City street. The stamped crosswalk was installed on East Innes Street at Long Street. She stated that the City has received another offer from the same vendor to install another demonstration project, with a slightly different product, but one that would have the same appearance. She stated that she and the vendor looked at areas in the City and chose West Innes Street at Fulton Street. She added that she feels this would create a nice crossing in a prominent location and would bookend the downtown with the crosswalk at East Innes and Long Streets.

Ms. Raker described the installation process and stated that the company will require the City's assistance with traffic control. She noted that the installation is a demonstration project and will be at no cost to the City. Ms. Raker asked Council for approval to proceed.

Thereupon, Mr. Woodson made a **motion** to approve installation of a stamped crosswalk at the intersection of West Innes Street and Fulton Street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

BOARDS AND COMMISSIONS

Upon a **motion** by Mr. Burgin, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Woodson, Lewis, and Ms. Kluttz voting AYE, the following appointment was made to the Economic Development Commission:

Mr. Pete Teague

Term Expires: 6-30-2011

PUBLIC COMMENT

Mayor Kluttz opened the floor to receive public comment.

Mr. Larry Wright, 170 Heritage Lane, stated that he feels annexation is a statewide problem. Mr. Wright read a letter regarding annexation that was recently printed in the Lexington Dispatch. He stated that he thinks it is interesting that Florida handles annexation in a different way.

Mr. Jerry Shelby who lives in Salisbury stated that he is frequently on Faith Road and Old Concord Road. He noted the addition of Social Services to the Health Department facility and inquired if the City has studied the traffic shift that will take place with more drivers on Faith Road. Mr. Shelby encouraged the City to review this matter soon because he feels that there will be a problem trying to get onto Faith Road.

There being no one present to address Council, Mayor Kluttz closed public comment session.

COMMENTS FROM THE CITY MANAGER

(a) Wastewater Facilities Capital Improvements Project

Mr. Treme noted that the Wastewater Facilities Capital Improvements Project was adopted by Council in March 2008. He stated that this project is part of the City's strategic plan, Outcome 12 Goal 3 and asked Interim Utilities Director, Jim Behmer and staff to update Council.

Mr. Behmer and Mr. Mike Frick, Plant Operations Manager, reported that City Council Outcome 12, Goal 3 is on schedule and within budget and briefly reviewed the Goal:

- Outcome 12, Goal 3
 - Provide quality water and wastewater services to Rowan County that protect the environment, promote public health, improve the quality of life, support planned growth, and maintain public trust.
 - Fund, design, construct, and complete first phase of Wastewater Facilities Capital Improvements Project
- Issues and Challenges
 - Maintaining Plant operation and compliance during construction
 - Completing Project on-time and within budget
- Major Accomplishments
 - Funding obtained through bond sale
 - Construction of digesters at Grant Creek Wastewater Treatment Plant (WWTP) nearing completion
 - Aeration Basin #1 at Town Creek WWTP refurbished
 - New belt press for Town Creek WWTP installed and operational
- Current Status
 - Project on time and within budget (75% complete)
- Next Steps
 - Completion of digester expansion (Grant Creek facility)
 - Aeration basin #2 rehab (Town Creek facility)
 - Raw water reservoir apron repair
 - Preparation/Planning for Phase II improvements

Mr. Frick stated that Phase 1 of the project was on schedule and includes:

- 1MG Digesters at Grant Creek (nearing completion)
- Aeration basin rehab at Town Creek (1 completed, 1 pending)
- New belt press at Town Creek (installed)
- Clarifier rehab at Town Creek (2 completed and in service)
- Fiber to Town Creek and lift stations (nearing completion)
- Raw water reservoir apron repair (pending)

Mr. Behmer stated that another portion of the project includes a completed fiber connection between the wastewater facilities. He added that a connection between the lift stations is currently in progress.

Mr. Behmer reviewed the Phase I budget:

<u>Scope of Work</u>	<u>Original Budget</u>	<u>Estimated Final Costs</u>
• Construction (General)	\$5,347,000.00	\$5,443,662.54
• Engineering/Const Admin	\$1,040,853.00	\$1,040,853.00
• Belt Press & Control Panel	\$226,852.00	\$226,852.00 (PO)
• Sludge Removal & Disposal	\$445,383.36	\$495,413.44 (CO)
• Godwin Pipes	\$110,394.44	\$110,394.44 (PO)
• Reservoir Apron Repair	\$600,000.00	\$374,502.91 (CO)
• Chemical Storage Facility	\$300,000.00	\$300,000.00 (Est)
• Contingency	\$329,517.20	*\$408,321.67

**Note: Significant subsurface work and sludge removal remaining
Purchase Order (PO)
Change Order (CO)*

Mr. Behmer stated that the bids on this project were very competitive and provided an excellent price on concrete items. He reviewed Change Order 1 which will incorporate some items initially cut from the project:

<u>Scope of Work</u>	<u>Change Order Amount</u>
Ellis Crossroads Raw Water Concrete Apron	\$ 374,502.91
Surface Decant/Overflow Reroute	\$77,172.57
Conduit from DCG to Belt Press	\$12,149.58
PVC Water Line in Dewatering Building	\$7,340.39
Removal of Solids from Aeration Basin #2	\$101,516.87

Mr. Behmer concluded by requesting authorization from Council for the City Manager to execute the change order.

Councilman Burgin noted that he thinks change orders are not looked upon favorably, but they allow owners to make good and sound decisions. He also noted that the project is within budget and funds are available to purchase some of the things that were initially removed from the project.

Thereupon, Mr. Burgin made a **motion** to authorize the City Manager to execute a change order in the amount of \$572,682.32 to Wharton-Smith, Inc. and to add 30 days to the contract time for the Grant Creek/Town Creek Wastewater Treatment Plant Improvement Project. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(b) Radio Re-banding Upgrade

Mr. Treme provided Council with information on the upgrading of the City's radios. He stated that at the last Council meeting questions were raised about Supervisory Control and Data Acquisition (SCADA) radios. Mr. Treme noted pages 32-37 of a Motorola report which states that the SCADA equipment can be reprogrammed

rather than being replaced. The report indicated Motorola's position that these units were non-safety units and could be reprogrammed. Mr. Treme distributed copies of the report to Council.

(c) Donation of Tatum Property

Mr. Treme introduced Parks and Recreation Director Gail Elder White to discuss property that has been offered for donation for use as a new City park. Ms. White stated that in July 2008, Mr. Walter Tatum approached the City regarding the donation of property on North McCoy Road in the Meadowbrook and Milford Knoll neighborhoods. Ms. White stated that she met with Mr. Tatum to discuss the donation and that Mr. Tatum wants to donate the property in honor of his late wife Ms. Frances Foil Tatum. She stated that the donation consists of two parcels that are approximately 3.6 acres of land, along with a home that is currently on the property. She indicated that Mr. Tatum would like the property to remain together.

Ms. White noted that there is no neighborhood association in the area. She stated that on August 22, 2008, 375 invitations were mailed to residents inviting them to meet with Park and Recreation staff to discuss a neighborhood park. She noted that on September 4, 2008 she met with approximately 40 residents to discuss the park. She indicated that the majority in attendance agreed that the park would be a good alternative to other uses that could be permitted on the property. She noted that there were a few in attendance who opposed. She stated that on September 11, 2008 the issue was taken before the Parks and Recreation Advisory Board and she reviewed the estimates that were presented at that meeting:

Option 1	Retain building for general use	\$2,000 - \$4,000
	Minor Repairs to house for sale	\$10,000 – 20,000
	On-going operating costs (electric, water, sewer)	?
Option 2	Remove House from property	
	General Survey and legal fees	\$2,000 – 4,000
	Demolition	\$20,000 – 40,000
	Sale and removal	?
Option 3	Decline the offer	\$0

Ms. White stated that Options 1 and 2 require a financial contribution from the City in order to prepare the site and create a park. She added that the development costs for a neighborhood park are typically \$50,000 - \$75,000, in addition to the site preparation as noted above.

Ms. White commented that in addition to the construction costs, adding 3.6 acres of land to the Maintenance Division workload would require the addition of one Building & Grounds Worker in order to maintain current service levels.

Ms. White pointed out that the current Park System Master Plan calls for more neighborhood parks and this would help meet some of that need.

Ms. White stated that the Parks and Recreation Advisory Board recommended Option 2 and she requested Council conduct a public hearing to receive public input on the proposal.

Mr. Treme stated that the City will work with a group of neighborhood citizens to plan the park should the decision be made to proceed.

Thereupon, Mr. Lewis made a **motion** to set a public hearing for the potential development of a park in the Meadowbrook neighborhood. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(d) I-85 Sewer Interceptor Project

Mr. Treme stated that the I-85 project is on schedule and notices have been sent to those who may be impacted by the sewer line. He stated that the project has been turned over to those handling the right-of-way acquisitions and that when easements are obtained the project can be bid and costs can be determined. He indicated that he is concerned that delays may have increased the cost of the project, and noted that this is a \$6.5 million project to be split with Rowan County.

MAYOR'S ANNOUNCEMENTS

(a) Salisbury-Rowan Firefighter Memorial

Mayor Kluttz announced the reopening and ribbon cutting for the newly renovated Sports Complex, 1113 South Martin Luther King, Jr. Avenue will be held on Saturday, September 27, 2008 at 10:00 a.m.

(b) LaFiesta de Rowan 2008

Mayor Kluttz announced that LaFiesta de Rowan 2008 will be held Saturday, September 27, 2008 from 11:30 a.m. until 6:30 p.m. The event is sponsored by the Salisbury Rowan Human Relations Council and the Hispanic Coalition and will be held at the Salisbury Civic Center, 315 South Martin Luther King, Jr. Boulevard.

(c) Mayor's Spirit Luncheon

Mayor Kluttz announced that the Mayor's Spirit Luncheon will be held Tuesday, October 7, 2008 in Council Chambers, 217 South Main Street at 12:00 p.m.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:33 p.m.

Mayor

City Clerk